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15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 X CORP., a Nevada corporation,

Case No. 3:23-cv-03698-WHA

19 Plaintiff,

20
21 **X-CORP.'S RESPONSE TO BRIGHT**
DATA'S STATEMENT OF RECENT
AUTHORITY

vs.

22 BRIGHT DATA LTD., an Israeli

23 corporation,

24 Defendant.

Date: January 10, 2024

Time: 8:00 a.m.

Ctrm: 12

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1 Plaintiff X Corp. submits this Response to Bright Data’s Statement of Recent
 2 Authority (the “Statement”) (Dkt. 52) concerning the Ninth Circuit’s recent decision
 3 in *Doe v. WebGroup Czech Republic, A.S.*, 2024 WL 16828 (9th Cir. Jan. 2, 2024).
 4 Contrary to Bright Data’s claims, *Doe* has direct application to this case and further
 5 shows why Bright Data is subject to personal jurisdiction in this state and district.

6 The *Doe* court looked to Rule 4(k) as an initial basis for jurisdiction, because
 7 the case involved federal claims and the parties agreed no state could exercise
 8 jurisdiction—apparently because the defendant’s conduct did not target any
 9 particular state. But the minimum contacts test the court applied was the same as
 10 that used in *Shopify* and similar cases. The only difference is that the court looked
 11 to contacts with the U.S. as a whole rather than with just California.

12 Applying this minimum contacts test, the *Doe* court found that the defendant’s
 13 use of U.S.-based services to improve the viewing experience for U.S.-based users
 14 was sufficient to constitute express aiming at the U.S. market, even when defendant
 15 maintained no business offices and conducted no business inside the United States.
 16 *Doe*, 2024 WL 16828 at *7 (defendants “have differentially targeted U.S. visitors in
 17 a way that … constitutes express aiming at the U.S. market”). Here, Bright Data has
 18 done much more to aim at this forum than the defendant did in *Doe*. Bright Data not
 19 only advertised and marketed its IP proxies to California residents specifically, it has
 20 also established a physical presence in this District to sell its products to California
 21 residents.

22 The *Doe* court also rejected defendants’ assertion that, because it aimed at
 23 other fora as well, it was not subject to jurisdiction in the United States. *Id.* at *8
 24 (“the existence of other advertising specifically directed at other markets did ‘not
 25 alter the jurisdictional effect of marketing targeted specifically at … the relevant
 26 forum’”). Bright Data advances a similar argument—because it targets several U.S.
 27 states, it is not subject to jurisdiction in any of them. That argument should be
 28 rejected here too.

1 Dated: January 9, 2024

Respectfully submitted,

2 **HAYNES AND BOONE LLP**

3 By: /s/Jason T. Lao

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, a true and correct copy of the foregoing document was served by filing the same via the Court's CM/ECF system, which will provide notice of the filing of same to all counsel of record.

Date: January 9, 2024

/s/ Jason T. Lao

Jason T. Lao